Court No.2

Civil Writ Petition No. 554 (M/S) of 2002

Union of India through General Officer
Commanding, Madhya Bharat Area, Jabalpur …… Petitioner

Versus

District & Sessions Judge, Dehradun
and others. …….. Respondents

……..

Hon'ble P.C. Verma, J.

This petition has been filed by the petitioner challenging the order dated 16.07.2002 passed by the learned Sessions Judge, Dehradun in Criminal Revision No.66 of 2002, by which he has stayed the operation of the impugned order dated 29.01.2002 passed by Special Judicial Magistrate, CBI-II, Dehradun till the next date of listing i.e. 12.08.2002.

According to the learned counsel for the petitioner, the learned Sessions Judge could not have passed this order as the proceedings were pending before the Court Martial and trial was being conducted by the Court martial at Jabalpur. Since the order is interlocutory in nature and it is operative till 12.08.2002, the petitioner may raise this objection before the learned Sessions Judge who shall dispose of the application on 12.08.2002, considering the Court's jurisdiction to pass such order.

With the aforesaid observation, the petition is disposed of finally.

(P.C. Verma, J.)

05.8.2002
P. Singh